

In the
Indiana Supreme Court

IN THE MATTER OF THE)

APPROVAL OF LOCAL RULES)

FOR DECATUR COUNTY)

Case No. 16S00-1302-MS- **143**



ORDER APPROVING AMENDED LOCAL RULES

The judges of the Decatur Circuit and Superior Courts request the approval of amended local rules for special judge selection in accordance with Ind. Trial Rule 79 and Ind. Criminal Rule 2.2. Attached to this Order are the proposed amended local rules.


Upon examination of the proposed rule amendments requested by the Decatur Circuit and Superior Courts, this Court finds that proposed rule amendments, LR16-TR-1 and LR16-CR 2.2-1 comply with the requirements of Ind. Trial Rule 79 and Ind. Criminal Rule 2.2, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Decatur County Local Rule, LR16-TR-1 and LR16-CR 2.2-1, set forth as an attachment to this Order, are approved effective February 11, 2013, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Matthew D. Bailey, Decatur Superior Court, 150 Courthouse Square, Suite 216, Greensburg, IN 47240-2074; the Hon. Timothy Brian Day, Decatur Circuit Court, 150 Courthouse Square, Suite 6, Greensburg, IN 47240-2089; to the Clerk of the Decatur Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Decatur Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 19 day of February, 2013.


Robert D. Rucker
Acting Chief Justice of Indiana

LR16-TR79-1 Selection of Special Judges in Civil Cases

When a special judge must be appointed pursuant to Trial Rule 79(H), the other Decatur County Judge shall be appointed as special judge, and, if the other Decatur County Judge accepts jurisdiction, the Clerk of the Court shall transfer the case to the other Decatur County Court. In the event that the other Decatur County Judge has previously recused or is not eligible to serve pursuant to the Code of Judicial Conduct, the judges of the following courts shall be eligible for appointment on a rotating basis: Jennings Circuit Court, Jennings Superior Court, Bartholomew Circuit Court, Bartholomew Superior Court No. 1, Bartholomew Superior Court No. 2, Rush Circuit Court, Rush Superior Court, Franklin Circuit Court No. 1, and Franklin Circuit Court No. 2. All of the above-named judges are within Administrative District 21 or are from a contiguous county and have agreed to serve as a special judge in the court where the case is pending.

When, under this rule, no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the presiding judge shall certify the case to the Indiana Supreme Court for the selection of a special judge.

(Amended effective February 11, 2013)

LR16-CR2.2-1 Criminal Case Filings and Reassignment

1. When a court has personal jurisdiction of the defendant under a pending criminal cause or probation, any new criminal cause against that defendant shall be filed in that same court having such jurisdiction. The filing rule under this paragraph shall have priority over all other provisions of the filing rules.

2. If a court does not already have personal jurisdiction over the defendant, the Decatur Superior Court shall have exclusive jurisdiction over all charges filed under Titles 7.1, 9, and 14 of the Indiana Code.

3. In all other criminal actions presented for filing, the Decatur County Clerk shall, by random selection, assign one-third (1/3) of the felony cases and two-thirds (2/3) of the misdemeanor cases to the Decatur Superior Court and shall, by random selection, assign two-thirds (2/3) of the felony cases and one-third (1/3) of the misdemeanor cases to the Decatur Circuit Court.

4. Where multiple counts or defendants have been charged, the most serious offense shall dictate the classification to be assigned to the case for purposes of implementing the random selection process in paragraph 3. If there is any further conflict under these rules, the method of random selection used to determine court assignment, as provided in paragraph 3, will be utilized.

5. Where the investigation of an event results in criminal charges against more than one defendant, all criminal charges arising from the investigation shall be filed with the same court. If among the group of defendants, charges are pending in both courts against more than one in the group, the Clerk shall determine the appropriate court by random selection, as provided under paragraph 3.

6. When charges against a defendant have been filed and dismissed, any subsequent charges filed against the same defendant arising out of the same investigation shall be filed with the court to which the case was originally assigned.

7. Judges of the Decatur Circuit Court and the Decatur Superior Court may transfer any pending case to the other Decatur County Court or may appoint the other Decatur County Judge as special judge for any pending case that has been redocketed after the entry of the judgment of conviction, subject to acceptance by the other Decatur County Judge.

8. In the event that a change of judge is granted or a judge is disqualified or recuses, reassignment shall be made on a rotating basis to one of the judges of the following courts: Jennings Circuit Court, Jennings Superior Court, Bartholomew Circuit Court, Bartholomew Superior Court No. 1, Bartholomew Superior Court No. 2, Rush Circuit Court, Rush Superior Court, Franklin Circuit Court No. 1, and Franklin Circuit Court No. 2.

9. When, under these rules, no judge is available for appointment, or when, in the discretion of the regular presiding judge, the particular circumstance warrants selection of a special judge by the Indiana Supreme Court, the presiding judge shall certify these facts to the Indiana Supreme Court and request an appointment of a Special judge under the applicable procedural rules.
(Adopted May 22, 2008, effective January 1, 2009; amended June 1, 2011; amended June 1, 2012; amended effective February 11, 2013)